856.

SUPREME COURT OF THE UNITED STATES.

No. 222.

JAMES E. BROOME, ADMINISTRATOR DE BONIS NON OF ARTHUR MACON, DECEASED, PLAINTIFF IN ERROR,

vs.

THE UNITED STATES.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES, FOR THE NORTHERN DISTRICT OF FLORIDA.

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[GIDEON, Print.]

Pleas at the court-house, in the city of Tallahassee, on Friday, the seventeenth day of January, one thousand eight hundred and fifty-one, before the honorable Isaac H. Bronson, judge of the district court of the United States, for the northern district of Florida, to wit:

Be it remembered, that heretofore, to wit, at the November term of the late superior court of the middle district of the Territory of Florida, in and for the county of Leon, in the year of our Lord one thousand eight hundred and thirty-nine, the United States of America, by Charles S. Sibley, attorney of the United States, for the middle district of Florida, filed a declaration in said court, in the words and figures following, to wit:

Middle district of Florida, Leon superior court, November term, A. D. 1839.

LEON COUNTY, *ss.*

The United States of America, plaintiff, by Charles S. Sibley, attorney of the United States for the middle district of Florida, complains of Martha Macon, administratrix of all and singular the goods and chattels, rights and credits, which were of Arthur Macon, deceased, who died intestate, defendant, being summoned, &c., of a plea that she render unto the said plaintiff the sum of two thousand dollars, lawful money of the United States, which she unjustly detains from the said plaintiff, to the damage of the said plaintiff of two thousand dollars. For that whereas the said Arthur Macon, in his lifetime, since deceased, to wit, on the second day of June, in the year of our Lord one thousand eight hundred and thirty-seven, at the county of Leon aforesaid, and within the jurisdiction of this court, together with one Ambrose Crane and one Peter H. Swaim, by his and their certain writing obligatory, sealed with their seals, and now shown to the court, the date whereof is the day and year last aforesaid, acknowledged himself and themselves to be held and firmly bound unto the United States of America, in the full and just sum of two thousand dollars, money of the United States; to which payment, well and truly to be paid, they bound themselves jointly and severally, their joint and several heirs, executors, and administrators, which said writing obligatory was and is subject to a certain condition thereunder written, whereby reciting to the effect following, to wit, that whereas the President of the United States had, pursuant to law, appointed the said Ambrose Crane to the office of collector of the customs for the district of St. Mark's, and inspector of the revenue for the port of Magnolia, in the Territory of Florida. Now, therefore, if the said Ambrose Crane had faithfully executed and discharged, and should continue truly and faithfully to execute and

discharge all the duties of the said office according to law, then the above obligation to be void and of *none* effect, otherwise it should abide and remain in full force and virtue. Yet the said plaintiff in fact saith, that the said Ambrose Crane did not continue truly and faithfully to execute and discharge all the duties of the said office of collector of the customs for the district of St. Mark's, and inspector of the revenue for the port of Magnolia, in the Territory of Florida, according to law. But on the contrary thereof, afterwards, and after the ensealing and delivery of said writing obligatory, to wit, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and thirty-nine, at the county aforesaid, a large sum of money, to wit, the sum of ten thousand four hundred and twenty dollars and forty-five cents, had come to his hands as collector as aforesaid, and that the said Ambrose Crane wholly failed and refused to pay over the same, or any part thereof, to the said United States, and the proper officers thereof entitled to demand and receive the same, although often requested so to do. And the said plaintiff avers, that afterwards, and after ensealing and delivery of said writing obligatory, to wit, on the first day of December, in the year eighteen hundred and thirty-seven, at the county aforesaid, the said Arthur Macon died intestate; and afterwards, to wit, on the same day and year, and at the place last aforesaid, administration of all and singular the goods and chattels, rights and credits, of the said Arthur Macon was duly granted to the said defendant according to law, by the honorable judge of the county court of Leon county aforesaid, whereby and by reason of the said several premises, an action hath accrued to the said plaintiff to demand and have of and from the said defendant, as administratrix as aforesaid, the said sum of two thousand dollars above demanded. Yet the said Arthur Macon, in his lifetime, and the said defendant, as administrator as aforesaid since his death, or either of them, have not paid the said sum of money above demanded, or any part thereof, to the said plaintiff, though often requested so to do, but to pay the same or any part thereof the said defendant, as administratrix as aforesaid, hath hitherto wholly refused, and still doth refuse, to the damage of the said plaintiff of two thousand dollars; and therefore said plaintiff brings suit, &c.

CHARLES S. SIBLEY,
United States atty. for the mid. dis. Florida.

Copy of bond.

Know all men by these presents, that we, Ambrose Crane, Peter H. Swaim, and Arthur Macon, are held and firmly bound unto the United States of America in the full and just sum of two thousand dollars, money of the United States; to which payment, well and truly to be made, we bind ourselves, jointly and severally, our joint and several heirs, executors, and administrators, firmly, by these presents.

Sealed with our seals, and dated this second day of June, one thousand eight hundred and thirty-seven.

The condition of the foregoing obligation is such, that whereas the President of the United States hath, pursuant to law, appointed the said Ambrose Crane to the office of collector of the customs for the district of St. Mark's, and inspector of the revenue for the port of Magnolia, in the Territory of Florida:

Now, therefore, if the said Ambrose Crane has truly and faithfully executed and discharged, and shall continue truly and faithfully to execute and discharge, all the duties of the said office, according to law, then the above obligation to be void and of none effect, otherwise it shall abide and remain in full force and virtue.

AMBROSE CRANE, [L. S.]
P. H. SWAIM, [L. S.]
ARTHUR MACON. [L. S.]

Sealed and delivered in the presence of—
Witnesses—ROBERT LLOYD,
G. G. HOLT.

Whereupon appears an endorsement in the words and figures following, to wit:

And said defendant, actio non, comes and says, that said supposed bond or writing obligatory in said declaration alleged is not the deed of the said Arthur Macon, deceased, &c.

2. Pleads payment.

3. Condition performed.

J. D. WESTCOTT, JR.,
Atty. for defendant.

Nov. 20, 1839.

And afterwards, to wit, on the 12th day of January, A. D. 1848, the following transcript of proceedings, orders, and judgments, duly certified from the late superior court of the middle district of the Territory of Florida, in and for the county of Leon, were filed in the district court of the United States, for the northern district of Florida, in the words and figures following, to wit:

At a superior court for Leon county, continued and held at the court-house, in the city of Tallahassee, on Friday, the 25th day of November, A. D. 1842; present, the honorable Samuel J. Douglas, judge.

THE UNITED STATES OF AMERICA, plaintiff,
vs.
MARTHA H. MACON, administrator of Arthur Macon, deceased, defendant. } In debt.

This day came the parties, by their attorneys, and thereupon came a jury, to wit: Geo. C. S. Johnson, Edgerton Willis, Geo. W. Parker, Patrick Kerr, Joseph B. Johnson, James Willis, David Robinson, Silas D. Allen, Joseph Ritter, Jesse Robinson, John R. Moore, and George

W. Hutchins, who being elected, tried, and sworn the truth to speak upon the issue joined, and having heard the evidence and argument of counsel, are adjourned over until to-morrow morning, 10 o'clock.

At a superior court for Leon county, continued and held at the court-house, in the city of Tallahassee, on Saturday, the 26th day of November, A. D. 1842; present, the honorable Samuel J. Douglas, judge.

THE UNITED STATES OF AMERICA, plaintiff,
vs.
MARTHA H. MACON, administratrix of Arthur Macon, deceased, defendant. } In debt.

This day came the parties, by their attorneys, and the jury empannelled on yesterday again appeared in court, according to adjournment, and having fully heard the evidence and argument of counsel, returned a verdict in the following words: "We, the jury, find for the defendant." Therefore, it is considered by the court that the plaintiff take nothing by his bill, but for his false clamor be in mercy, &c.; and that the defendant receive her costs by her about her defence in this behalf expended. And thereupon, on the motion of the plaintiff, by his attorney, and for reasons appearing to the court, it is ordered that the verdict and judgment in this case be set aside, and that a new trial be had therein, upon condition that the plaintiff pay the costs of the former trial.

At a superior court for the county of Leon, continued and held at the court-house in the city of Tallahassee, on Thursday, the 20th day of February, A. D. 1845; present, the honorable Samuel J. Douglas, judge.

THE UNITED STATES OF AMERICA, plaintiff,
vs.
MARTHA H. MACON, administratrix of Arthur Macon, deceased, defendant. } In debt.

It being suggested to the court, that since the institution of this suit the said defendant, Martha H. Macon, has intermarried with, and taken to husband, James E Broome, on motion of Charles S. Sibley, esq., district attorney, it is ordered that this suit continue against the said James E. Broome and Martha H., his wife, administrators as aforesaid; and thereupon came a jury, to wit, John Denham, James Ormand, Joseph D. Brown, Howel Wooten, Joseph H. Sylvester, James M. Wilson, William M. Campbell, Robert L. Edmonds, William Maner, Thomas J. Linton, David C. Wilson, and Elijah B. Clark, who being elected, tried, and sworn the truth to speak upon the issue joined, and having heard the evidence, are adjourned over until to-morrow morning, ten o'clock.

At a superior court for the county of Leon, continued and held at the court-house in the city of Tallahassee, on Friday, the 21st day of February, A. D. 1845; present, the honorable Samuel J. Douglas, judge.

THE UNITED STATES OF AMERICA, plaintiff,
vs.
MARTHA H. BROOME, late Martha H. Macon, administratrix, and James E. Broome, in right of his wife, Martha H., administrator of Arthur Macon, deceased, defendants. } In debt.

The jury this day appeared in court according to adjournment, and having fully heard the evidence and argument of counsel, returned the following verdict, to wit: "We, the jury, find for the plaintiff the debt in the declaration mentioned, to wit, the sum of $2,000, to be discharged by the payment of seven hundred dollars and thirty-nine cents." Therefore it is considered by the court that the said plaintiff recover of the said defendants the sum of two thousand dollars, the debt in the declaration mentioned, and its costs by it about its suit in this behalf expended, to be levied of the goods and chattels, slaves, lands, and tenements of the said intestate, Arthur Macon, in the hands of the said defendants remaining to be administered; and the said defendants, in mercy, &c.; but this judgment is to be discharged by the payment of seven hundred dollars and thirty-nine cents, with interest thereon, at the rate of six per centum per annum, until paid, and costs.

At a superior court for the county of Leon, continued and held at the court-house in the city of Tallahassee, on Wednesday, the 5th day of March, A. D. 1845; present, the honorable Samuel J. Douglas, judge, &c.

THE UNITED STATES OF AMERICA, plaintiff,
vs.
MARTHA H. BROOME, late Macon, and James E. Broome, in right of his wife, administrators of Arthur Macon, deceased, defendants. } In debt.

On the motion of the defendants, by their attorney, an appeal is granted them to the judgment rendered in this case, on a former day of this term, upon their entering into bond, according to law, within thirty days from this date, with sureties, to be approved by the clerk of this court.

FLORIDA, *to wit:*

I, Daniel McRaeny, clerk of Leon circuit court, do hereby certify, that the foregoing are true copies of all the proceedings, orders, and judgments that appear of record upon the minutes of the late superior court for Leon county (of which this court is the successor, by operation of law) in the aforesaid suit.

In testimony whereof I hereto set my hand, and affix the [SEAL.] seal of said circuit court, this 11th day of January, A. D. 1848.

D. McRAENY, *Clerk*,
By JNO. B. KEEN, *D. C.*

And heretofore, to wit, on the 20th day of January, A. D. 1847, an entry appears on the records of said district court of the United States, for the northern district of Florida, in the words and figures following, to wit:

In district court of the United States, for Florida, Wednesday morning, January 20, 1847.

Present, honorable I. H. Bronson, judge of this court.

On motion of the United States district attorney, it is ordered that the clerks of the late superior courts of the Territory of Florida, west of the Suwannee river, deliver over to R. B. Smith, clerk of the district court of the United States for Florida, all records, pleadings, documents, and papers in or in anywise appertaining to any cause or causes or proceedings wherein the United States are a party or interested, lately pending in the said superior courts, whether determined or undisposed of, upon the application of the district attorney of the United States, or show cause on the first day of the next term of this court, to be holden at Tallahassee, why they do not deliver the same as above directed.

And afterwards the following entry appears on the record book of said court, to wit:

In district court of the United States, for the northern district of Florida, January 15, 1848.

Present, the honorable I. H. Bronson, judge.

THE UNITED STATES
vs.
MACON'S ADMINISTRATRIX.

On motion of the plaintiffs, by C. C. Young, esq., their attorney, it is ordered that this suit be continued until next term. And the death of the defendant having been suggested, on motion of said plaintiffs, a writ of scire facias is awarded them to revive this suit against the administrator of the deceased, when one shall have been appointed.

And afterwards the following entry appears on the record book of said court, to wit:

Tuesday, January 9, 1849.

Present, honorable Isaac H. Bronson, judge.

THE UNITED STATES
vs.
MACON'S ADMINISTRATOR.

James E. Broome, presenting letters of administration de bonis non

on the estate of Arthur Macon, deceased, is made a party defendant in this suit.

And afterwards the following entry appears on the record book of said court, to wit:

January 18, 1849.

Present, honorable I. H. Bronson, judge of this court.

THE UNITED STATES, plaintiff,
vs.
JAMES E. BROOME, administrator de bonis non of Arthur Macon, deceased, defendant.

This cause having been brought to this court by appeal from the late superior court of Leon county, in the middle district of Florida, in pursuance of the act of Congress of 22d February, A. D. 1847, and the record in said cause having been duly filed in this court, and the same having been brought on for argument in this court, on the exceptions of the defendants; and after examining the said records, and hearing the argument of counsel thereon, and due deliberation being had thereon, it is considered by this court that there is error in the record and proceedings aforesaid.

Therefore, it is ordered, adjudged, and decreed, and this court doth now order, adjudge, and decree, that the judgment heretofore rendered in this cause in the said late superior court be reversed and annulled, and that a new trial be had thereon before this court, in pursuance of the act of Congress in such case made and provided.

And it is further ordered that said cause be continued, and such new trial had thereon at the next term of this court.

And afterwards the following entry appears on the record book of said court, to wit:

Saturday, January 12th, 1850.

Present, the honorable Isaac H. Bronson, judge of this court.

THE UNITED STATES
vs.
MACON'S ADMINISTRATOR.

This day, on motion of the defendant, by counsel, the counsel of the United States consenting thereto, this cause is ordered to be continued until next term.

And afterwards the following entry appears on the record book of said court, to wit:

Saturday, January 11th, 1851.

Present, the honorable Isaac H. Bronson, judge.

THE UNITED STATES
vs.
MACON'S ADMINISTRATOR.

This day came the parties, by their attorneys, to wit, the plaintiff

by their attorney, Geo. W. Call, esq., and the defendant by his attorneys, Messrs. Walker and Archer; and thereupon came a jury, to wit, E. P. Grant, Nat. White, Thomas J. Rawls, Thomas White, C. H. Austin, J. B. Bull, George Wilcox, John Wilson, Edward M. West, L. C. Demilly, W. G. Lester, and Albert Bestwick, who being elected, tried, and sworn, the truth to speak upon the issue joined, and having partly heard the evidence, by the consent of parties, and with the assent of the court, were adjourned until Monday next.

And afterwards the following entry appears on the record book of said court, to wit:

Monday, January 13th, 1851.

Present, the honorable Isaac H. Bronson, judge.

THE UNITED STATES
vs.
MACON'S ADMINISTRATOR.

By agreement of counsel this cause is continued until to morrow morning.

And afterwards the following entry appears on the record book of said court, to wit:

Thursday, January 16, 1851.

Present, the honorable Isaac H. Bronson, judge.

THE UNITED STATES, plaintiffs,
vs.
MACON'S ADMINISTRATOR, defendant.

The parties in this cause were present, by their respective counsel, as heretofore; the jury were called and answered to their names, and being all present the trial was resumed and proceeded in; and after argument of counsel the cause was submitted to the jury under charge of the court, and thereupon the jury retired to consider of their verdict.

And afterwards the following entry appears on the record book of said court, to wit:

Friday, January 17, 1851.

Present, the honorable Isaac H. Bronson, judge.

THE UNITED STATES
vs.
JAMES E. BROOME, administrator de bonis non of Arthur Macon, dec'd.

The parties being present, by their respective counsel, the jury appeared in court with a sealed verdict in the following words: "We, the jury, find for the plaintiff, and assess the damages [at] the sum of one thousand seven hundred and sixty-six $\frac{28}{100}$ dollars, principal and interest."

And thereupon the defendant's counsel having given notice of a motion in arrest of judgment, and for a new trial in this cause, it is ordered that the said motion [be,] and the same is hereby, entered, and that all further proceedings be stayed until the hearing of said motion.

And afterwards, to wit, on the 18th day of January, A. D. 1851, James E. Broome filed his affidavit in the words and figures following, to wit:

UNITED STATES
vs.
ARTHUR MACON'S ADMINISTRATORS. } On motion for new trial.

James E. Broome, administrator de bonis non of Arthur Macon, and in that capacity the defendant in this suit, being duly sworn deposeth and saith, that since the rendition of the verdict in this cause, at this term, it has come to his knowledge, through information from Leslie A. Thompson, esq., that in point of fact the receipt of Ambrose Lane, esq., to Jesse H. Willis, his predecessor, for twelve hundred and seventy-nine $\frac{92}{100}$ dollars, was given in consideration of a note of Jesse H. Willis to said Crane for that sum, which was given long after said Crane took possession of the office, and not for money of the United States remaining in the office appertaining thereto; and that said note remained unpaid for a long time after the giving of the same, and that it remains doubtful whether the same ever was paid, and that said Willis died insolvent, and that said Willis left Florida in the latter part of 1838 or beginning of 1839, and resided till his death in Louisiana.

That this information could not be obtained prior to the trial, because there was no circumstance to direct deponent to make inquiry in such quarter, and it was only by accident this deponent has since become informed thereof.

JAMES E. BROOME.

Subscribed and sworn before me, this 18th January, 1851.
R. B. HILTON, *Clerk.*

And afterwards the following entry appears on the record book of said court, to wit:

Monday, January 20, 1851.

Present, the honorable Isaac H. Bronson, judge.

THE UNITED STATES
vs.
JAMES E. BROOME, administrator de bonis non of Arthur Macon, dec'd.

This day came the parties in this cause, by their attorneys, and thereupon argument on the motion for a new trial was fully heard; but the court wishing further time to consider of the same, its decision thereon is delayed until to-morrow morning.

[REC. CCXXII, D. T. 1851.]—2

And afterwards the following entry appears on the record book of said court, to wit:

Tuesday, January 21, 1851.

Present, the honorable Isaac H. Bronson, judge.

THE UNITED STATES, plaintiff,
vs.
JAMES E. BROOME, administrator de bonis non of Arthur Macon, deceased, defendant.

A motion in arrest of judgment, and for a new trial in this cause, having been submitted and argued by the respective counsel, and the decision thereof having been postponed for further consideration by the court, and the same having been fully considered, and due deliberation being thereon had, it is ordered that the said motion be overruled and denied, and that judgment for the plaintiff, upon the verdict rendered in this cause, be entered.

It is therefore considered by the court that the United States do recover against the defendant the sum of one thousand seven hundred and sixty-six $\frac{88}{100}$ dollars, to be levied of the goods and chattels of the defendant's intestate, in the hands of the defendant to be administered, and their costs taxed at .

And defendant in mercy.

And afterwards the following entry appears on the record book of said court, to wit:

Wednesday, January 22d, 1851.

Present, the honorable Isaac H. Bronson, judge.

THE UNITED STATES
vs.
JAMES E. BROOME, admin'r de bonis non of Arthur Macon.

Ordered, that defendant's counsel in this cause have sixty days allowed them, in which to make up a bill of exceptions.

And afterwards the following entry appears on the record book of said court, to wit:

At chambers, Tallahassee, February 22d, 1851.

THE UNITED STATES
vs.
JAMES E. BROOME, adm'r, &c., of Arthur Macon, deceased.

On motion of the defendant's counsel, it is ordered, that the defendant have sixty days further time in which to make out and have settled and signed his bill of exceptions in this case, and to perfect his

writ of error; and that in the mean time the issuing of the execution shall be stayed until the end of the said sixty days.

(Signed) I. H. BRONSON, *Judge*.

And afterwards, to wit, on the 24th day of August, A. D. 1851, a copy of citation was filed, in the words and figures following, to wit:

(Copy.)

UNITED STATES OF AMERICA.

To the district attorney of the United States, for the northern district of Florida, greeting:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States, to be holden at Washington, on the first Monday of December next, pursuant to a writ of error, filed in the clerk's office of the United States district and circuit court, for the northern district of Florida, at Tallahassee, in said district, wherein James E. Broome, administrator de bonis non of Arthur Macon, deceased, is plaintiff, and the United States are defendants in error, to show cause, if any there be, why the judgment in the said writ of error mentioned should not be corrected, and speedy justice should not be due to the parties in that behalf.

Witness the honorable Roger B. Taney, chief justice of the said Supreme Court of the United States, this 2d day of August, in the year of our Lord 1851.

I. H. BRONSON,
Judge of the district court of the United States, for the northern district of Florida.

Mem. The original citation is in the possession of G. W. Call, jr., U. S. district attorney, the same having been served upon him on the 24th August, A. D. 1851.

G. W. HUTCHINS, *Clerk*.

And afterwards the following bill of exceptions, signed by his honor, Isaac H. Bronson, judge of the district court of the United States, for the northern district of Florida, was filed in this cause, in the words and figures following, to wit:

District court of the United States, for the northern district of Florida, sitting at Tallahassee, January term, 1851.

UNITED STATES OF AMERICA
vs.
JAMES E. BROOME, administrator de bonis non of the estate of Arthur Macon, deceased.

Be it remembered, that, at the trial of this cause at the term aforesaid, commencing on the sixth day of January, A. D. 1851, the plain-

tiff, to sustain the issues joined on their behalf, offered in evidence the bond of Ambrose Crane, P. H. Swaim, and Arthur Macon, a copy of which is filed with the declaration; the signature to which, of Arthur Macon, was admitted by the defendant. And thereupon, the plaintiffs, by their attorney, admitted that Arthur Macon died on the 24th July, 1837; the defendant objected to the reading of the bond in evidence, unless the plaintiff should further show by proof that the alleged bond was delivered before the death of Arthur Macon; but the court, the parties by their counsel not objecting, allowed the said bond to be read in evidence, with leave, to the parties respectively, to introduce testimony before the jury as to the fact of delivery, and raise any questions of law arising upon such testimony, in the shape of instructions to the jury, to be prayed of the court; and the said bond, with the endorsements, was accordingly read in evidence, and which bond and endorsements are as follows:

Know all men by these presents, that we, Ambrose Crane, Peter H. Swaim, and Arthur Macon, are held and firmly bound unto the United States of America, in the full and just sum of two thousand dollars, money of the United States; to which payment, well and truly to be made, we bind ourselves jointly and severally, our joint and several heirs, executors and administrators, firmly by these presents.

Sealed with our seals, and dated this second day of June, one thousand eight hundred and thirty-seven.

The condition of the foregoing obligation is such, that whereas the President of the United States hath, pursuant to law, appointed the said Ambrose Crane to the office of collector of the customs for the district of Saint Mark's, and inspector of the revenue for the port of Magnolia, in the Territory of Florida:

Now, therefore, if the said Ambrose Crane has truly and faithfully executed and discharged, and shall continue truly and faithfully to execute and discharge, all the duties of the said office according to law, the *the* above obligation to be void and of none effect, otherwise it shall remain and abide in full force and virtue.

AMBROSE CRANE, [SEAL.]
P. H. SWAIM, [SEAL.]
ARTHUR MACON. [SEAL.]

Sealed and delivered in presence of—
Witnesses:
ROBERT LLOYD,
GEORGE G. HOLT.

(Endorsed:) Office of the United States attorney, middle district of Florida, July 4th, 1837.

I hereby certify, that Peter H. Swaim and Arthur Macon, esq., who appear to have executed the within bond as securities, are generally esteemed to be, and in my opinion undoubtedly are, good for the amount of the bond; that they reside in this (Leon) county, and I

would take either of them without hesitation, as security for a private debt of that amount. The signatures appear to be genuine.

CHARLES S. SIBLEY,
District attorney.

TREASURY DEPARTMENT,
Comptroller's office, July 31, 1837.

Approved on the above certificate.

GEORGE WOLF, *Comptroller.*

TREASURY DEPARTMENT,
Register's office, July 16, 1839.

Pursuant to the act of Congress, of March 3, 1797, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public moneys," I, Thomas L. Smith, register of the Treasury Department, do hereby certify, that the foregoing bond is a true copy of the original on file in said department.

T. L. SMITH, *Register.*

Be it remembered, that Thomas L. Smith, esquire, who certified the foregoing transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, secretary of the Treasury of the United States, have hereunto subscribed my name, [SEAL.] and caused to be affixed the seal of this Department, at the city of Washington, this sixteenth day of July, 1839.

LEVI WOODBURY,
Secretary of the Treasury.

(Endorsed:) Middle district of Florida, Leon sup. court.

The United States of America
vs.
Peter H. Swaim.
} Narr. in debt and bond.

SIBLEY, *District attorney.*

The plaintiff then offered in evidence the following transcript from the Treasury Department of the United States, to wit:

Transcript of accounts of Ambrose Crane, as adjusted by the said Department, for the second, third, and fourth quarters of 1837, *and for each quarter in* 1838, *and from the first of January to fifteenth of May*, 1839, *as follows:*

TREASURY DEPARTMENT,
Register's office, September 9, 1840.

Pursuant to the act of Congress, of March 3d, 1797, entitled "An act to provide more effectually for the settlement of accounts between

the United States and the receivers of public moneys," I, Thomas L. Smith, register of the Treasury of the United States, do hereby certify, that the annexed is a true transcript from the books and proceedings of the Treasury. T. L. SMITH, *Register.*

Be it remembered, that Thomas L. Smith, esq., who certified the foregoing transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, secretary of the Treasury of the United States, have hereunto subscribed my name and [SEAL.] caused to be affixed the seal of this Department, at the city of Washington, this ninth day of September, in the year of our Lord 1840.

LEVI WOODBURY,
Secretary of the Treasury.

No. 347.

TREASURY DEPARTMENT,
First Auditor's office, 16th February, 1848.

I have examined and adjusted the account of Ambrose Crane, collector of the customs for the district of Saint Mark's, in the Territory of Florida, commencing April 1st and ending June 30th, 1837, and find that he is chargeable with the following sums, viz:

To amount of uncollected bonds transferred to him by Jesse H. Willis, his predecessor in office, who has received credit therefor, per report No. 256 -		$8,922 86
" duties on merchandise to 30th June, 1837 - -		391 11
		$9,313 97
I also find that he is entitled to the following credits:		
By payment to inspectors, &c., to June 30th, 1837 -		148 50
" disbursements for revenue boat - - -		720 00
" store account - - - - -		75 00
" three months' salary to collector - - -		125 00
" commissioners on $391 11 at 3 per cent. ($391 11)		11 73
And that the balance due to the United States on the 1st day of July, 1837, amounted in uncollected bonds to	8,922 86	
Deduct cash advanced - - -	689 12	
		8,233 74
		$9,313 97

264.

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor*.

To GEORGE WOLF, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, March 7th, 1838.

Admitted and certified.

J. N. BARKER, *Comptroller*.

To T. L. SMITH, esq., *Register*.

No. 348.

TREASURY DEPARTMENT,
First Auditor's office, 17*th February*, 1838.

I have examined and adjusted the account of Ambrose Crane, collector of the customs for the district of Saint Mark's, in the Territory of Florida, commencing July 1st and ending September 30th, 1837, and find that he is chargeable with the following sums, viz:

To balance of his account ending June 30, 1837, per report No. 347		$8,233 78
" interest on bonds to 30th September, 1837,		43 01
" cash received from Jesse H. Willis, his predecessor in office, for which said Willis has received credit, per report No. 259		1,279 92
		$9,556 80
I also find that he is entitled to the following credits:		
By payment to inspectors, &c., to 30th Sept., 1837,		294 00
" store account		75 00
" disbursements for revenue boats		270 00
" three months' salary to collector		125 00
And that the balance due to the United States on the first day of October, 1837, amounted in—		
Uncollected bonds	8,922 86	
Deduct cash advanced	580 06	
		8,342 80
		$9,566 80

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor*.

To GEORGE WOLF, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, April 6, 1838.

Admitted and certified.

J. N. BARKER, *Comptroller.*

To T. L. SMITH, esq., *Register.*

No. 470.

TREASURY DEPARTMENT,
First Auditor's office, 14th April, 1838.

I have examined and adjusted the accounts of Ambrose Crane, collector of the customs for the district of Saint Mark's, in the Territory of Florida, commencing October first and ending December 31st, 1837, and find that he is chargeable with the following sums, viz:

To balance of his account, ending 30th September, 1837, as per report No. 348		$8,342 80
" duties on merchandise to 31st December, 1837		19 80
		$8,362 60
I also find that he is entitled to the following credits:		
By payments to inspectors, &c., to 31st December, 1837,		826 50
" store account		75 00
" disbursements for revenue boats		720 00
" three months' salary of collector,	$125 00	200 00
" " " surveyor of St. Mark's	75 00	
" amount of warrant No. 4,086, in favor of the Treasurer, dated 31st December, 1837,		128 12
" commission on dollars 19 80, at 3 per cent.		59
And that the balance due to the United States on the 1st day of January, 1838, consisted of the following particulars, viz:		
Uncollected bonds	5,089 43	
Cash on hand	1,322 96	
		6,412 39
		$8,362 60

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor.*

To JAS. N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, April 24, 1838.

Admitted and certified.

J. N. BARKER, *Comptroller*.

To T. L. SMITH, esq., *Register*.

No. 549.

TREASURY DEPARTMENT,
First Auditor's office, 25th May, 1838.

I have examined and adjusted the accounts of Ambrose Crane, collector of the customs for the district of Saint Mark's, in the Territory of Florida, commencing January first and ending March 31, 1838, and find that he is chargeable with the following sums, viz:

To balance of his account ending 31st December, 1837, per report No. 470 - - - -	$6,412 39
" duties on merchandise to 31st March, 1838, -	573 11
" fines, penalties, and forfeitures - - -	50 00
	$7,035 50
I also find that he is entitled to the following credits:	
By payment to inspectors, &c., to 31st March, 1838,	590 35
" disbursements for revenue boats - - -	720 00
" store account - - - - -	75 00
" three months' salary to collector - - -	125 00
" commissions on $4,176 95, at 3 per cent. -	125 31
And that the balance due to the United States on the first day of April, 1838, amounted to - -	5,399 84
	$7,035 50

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor*.

To JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, June 1st, 1838.

Admitted and certified.

J. N. BARKER, *Comptroller*.

To T. L. SMITH, esq., *Register*.

No. 709.

TREASURY DEPARTMENT,
First Auditor's office, 23d August, 1838.

I have examined and adjusted the accounts of Ambrose Crane, collector of the customs for the district of St. Mark's, in the Territory of Florida, commencing April 1st and ending June 30th, 1838, and find that he is chargeable with the following sums, viz:

To balance of his account ending March 31st, 1838, per report No. 549		$5,399 84
" duties on merchandise to 30th June, 1838		688 79
		$6,088 63
I also find that he is entitled to the follow credits:		
By payments to inspectors, &c., to 30th June, 1838		$299 87
" disbursements for revenue boat		720 00
" store account		75 00
" three months' salary to collector		125 00
" commission on $1,257 60, at 3 per cent.		37 73
And that the balance due the United States on the first day of July, 1838, amounted in—		
Uncollected bonds to	$8,939 52	
Deduct cash advanced	4,108 49	
		4,831 03
		$6,088 63

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor*.

To JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, August 28th, 1838.

Admitted and certified.

J. N. BARKER, *Comptroller*.

To T. L. SMITH, *Register*.

No. 911.

TREASURY DEPARTMENT,
First Auditor's office, January 3, 1839.

I have examined and adjusted the accounts of Ambrose Crane, col-

lector of the customs for the district of Saint Mark's, in the Territory of Florida, commencing July 1st and ending September 30th, 1838, and find that he is chargeable—

To balance of his account, ending June 30th, 1838, per report No. 709		$4,831 03
I also find that he is entitled to the following credits:		
By payments to inspectors, &c., to 30th September, 1838		$376 00
" disbursements for revenue boats		720 00
" store account		75 00
" three months' salary to collector		125 00
" duties on salt we debited to him in second quarter of 1838, as per corrected abstract of duties		61 87
" commissions on $1,232 99, at 3 per cent.		36 99
And that the balance due to the United States on the first day of October, 1838, amounted in—		
Uncollected bonds to	$8,966 43	
Deduct cash advanced	5,430 26	
		3,536 17
		$4,831 03

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor*.

To JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, January 11th, 1839.

Admitted and certified.

J. N. BARKER, *Comptroller*.

To T. L. SMITH, esq., *Register*.

No. 1053.

TREASURY DEPARTMENT,
First Auditor's office, March 26th, 1839.

I have examined and adjusted the accounts of Ambrose Crane, collector of the customs for the district of St. Mark's, in the Territory of Florida, commencing October 1st and ending December 31st, 1838, and find that he is chargeable with the following sums:

To balance of his account, ending 30th September, 1838, per report No. 911 - - -		$3,536 17
" cash received of James W. Breedlove, collector of Mississippi, per order of the Comptroller, dated October 6th, 1838, for which said Breedlove will receive credit - - - - -		6,050 00
		$9,586 17
I also find that he is entitled to the following credits: i. e.,		
By payments to inspectors, &c., to 31st December, 1838 - - - - - -		$276 00
" disbursements for revenue boats - - -		720 00
" store account - - - - - -		75 00
" three months' salary to collector - - -		125 00
And that the balance due to the United States on the first day of January, 1839, consisted of the following particulars, viz:		
Uncollected bonds in suit -	$7,964 18	
Cash on hand - - -	425 99	
		8,390 17
		$9,586 17

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor.*

To JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, March 30th, 1839.

Admitted and certified.

J. N. BARKER, *Comptroller.*

To T. L. SMITH, *Register.*

No. 1115.

TREASURY DEPARTMENT,
First Auditor's office, 4th May, 1839.

I have examined and adjusted the accounts of Ambrose Crane, late collector of the customs for the district of Saint Mark's, in the Territory of Florida, and find that he is chargeable with the following sums, viz:

To balance of his account, ending 31st December, 1838, per report No. 1053 - - - -		$8,390 17
" cash received of James W. Breedlove, collector of Mississippi, per order of the Comptroller, dated February 26th, 1839, for which said Breedlove will receive credit - - - -		3,000 00
		$11,390 17
I also find that he is entitled to credit—		
By amount of the following warrants in favor of the Treasurer, viz:		
No. 19, dated 3d May, 1839 -	$128 12	
" 20, " " " -	128 12	
		$256 24
And that the balance due to the United States consists of the following particulars, viz:		
In railroad iron bonds ordered to be cancelled, per Comptroller's letter of 6th February, 1839, for - - -	$7,964 18	
Cash on hand - - - -	3,169 75	
		11,133 93
		$11,390 17

As will appear from the statement and cancelled warrants herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER.

To JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, May 6th, 1839.

Admitted and certified.

J. N. BARKER, *Comptroller.*

To T. L. SMITH, esq., *Register.*

[Torn] '316.

TREASURY DEPARTMENT,
First Auditor's office, July 16th, 1839.

I have examined and adjusted the accounts of Ambrose Crane, collector of the customs for the district of Saint Mark's, in the Territory of Florida, commencing on the first day of January, and ending on the [torn] tenth day of May, 1839, and find that he is chargeable with [torn out] sums, viz:

	ce of his account, per report No. 1115 -	$11,133 93
[Torn out in the original.]	on merchandise from 1st January to 15th May, 1839 - - - -	24 19
	hospital money collected from 1st January to 15th May, 1839 - - -	15 15
		$11,173 27
I also find that he is entitled to the following credits, viz:		
By amount of salary to late collector from 1st January to 15th May, 1839 - - - - -		184 78
By expense of revenue boat at St. Mark's - -		564 00
By amount of warrant, No. 4810, in favor of the Treasurer, dated 31st March, 1839 - - -		4 04
And that the balance due to the United States on the 16th day of May, 1839, consisted of the following particulars, viz:		
In railroad iron bonds, ordered to be cancelled by the Comptroller, per letter of 6th Feb., 1839	$7,964 18	
Cash on hand - - - - -	2,456 27	
		10,420 45
		$11,173 27

As will appear from the statement and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor.*

JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office, July 17th, 1839.

Admitted and certified.

J. N. BARKER, *Comptroller.*

To T. L. SMITH, esq.,
Register, &c.

No. 1437.

TREASURY DEPARTMENT,
First Auditor's office, 20th September.

I have examined and adjusted the accounts of Ambrose Crane, late collector of the customs for the district of St. Mark's, in the Territory of Florida, and find that he is chargeable—

To balance of his account, ending 15th May, 1839, per report No. 1316 - - - - - -	[Torn off.]
I also find that he is entitled to credit—	
By amount of bonds for duties on railroad iron, cancelled by order of the Comptroller, dated 6th February, 1838, as appears from the letter of F. S. Beattie, the present collector, dated September 2d, 1839 - - - - - - -	[Torn off.]
And that the balance due to the Uni ed States amounts, in cash on hand, to - - - - -	$2,456 27
	$10,420 45

As will appear from the statement and letter herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER,
First Auditor.

To JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT, *Comptroller's office.*
Admitted and certified, September 21st, 1839.

J. N. BARKER,
Comptroller.

To T. L. SMITH, esq., *Register.*

Also transcript of the accounts of Ambrose Crane, as furnished by him to the said Department, as follows:

TREASURY DEPARTMENT,
Register's office, April 18th, 1844.

Pursuant to the act of Congress of March 3d, 1797, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money, I, Michael Nourse, acting register of the Treasury Department, do hereby certify, that the annexed letters and accounts are true copies of the originals on file in said Department.

MICHAEL NOURSE,
Acting Register.

Be it remembered, that Michael Nourse, who certified the annexed transcript, is now, and was at the time of doing so, acting register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof I, John C. Spencer, secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department, at the [SEAL.] city of Washington, this eighteenth day of April, in the year of our Lord 1844.

J. C. SPENCER,
Secretary of the Treasury.

The United States, their general account of the customs with Ambrose Crane, collector of the district of Saint Mark's, Territory of Florida, from the 1st of April to the 30th June, 1837.

1837. June 30	To amount paid inspectors, as per abstract	$148 50		1837. April 1	By amount of unsettled bonds received from Jesse H. Willis, late collector	$8,992 12
	To salary of collector, as per account	125 00			By amount of duties on goods, wares, and merchandise, imported in American vessels	451 55
	To public store account, as per abstract	75 00				
	To disbursement on revenue boat	720 00				
	To commission on $451 55 duties secured	13 53				
	To balance due United States in unsettled bonds - $8,992 12					
	Deduct cash advanced 630 48		8,361 64			
		$9,443 67				$9,443 67

COLLECTOR'S OFFICE, *district of St. Mark's, July 1st*, 1837.

AMBROSE CRANE, *Collector.*

The United States, their general account of the customs with Ambrose Crane, collector of the district of Saint Mark's, Territory of Florida, from the 1st July to the 30th September, 1837.

1837.			1837.		
Sept. 30	To bonds of T. B. Betton, renewed	$1,001 82	July 1	By bond No. 35 of T. R. Betton, renewed and payable 19 March	$1,001 82
	" amount paid inspectors, as per account	294 00		" balance due the collector	1,844 48
	" salary of collector, as per acc.	125 00			
	" public store acc., as per abstract	75 00			
	" disbursements on revenue boats	720 00			
	" balance of acc. from last return	630 48			
		$2,846 30			$2,846 30

COLLECTOR'S OFFICE, *dist. of St. Mark's, 1st October*, 1837.

AMBROSE CRANE, *Collector.*

NOTE.—The bond No. 35 is the same accounted for in my last returns, for $1,027 94, but before it was renewed the late collector was instructed to deduct for overcharge of duties on the brig Albert, which left it $958 68.

Add interest 9 mos., 6 per cent., it stands thus	$43 14
Bond	958 68
	$1,001 82

The United States, their general account of the customs, in account with Ambrose Crane, collector, dist. of St. Mark's, Florida, beginning on the 1st October and ending 31st December, 1837.

1837.			1837.		
Dec. 31	To am't of payments to inspectors, as per abstract - - -	$826 50	Dec. 1	By balance due the U. States, acc. rendered this day -	$7,019 74
	Contingent expenses.		Dec. 31	" amount of duties on goods, wares, and merchandise imported this quarter in	
	salaries of collector and surveyor, as per accounts -	200 00		American vessels - -	19 80
	balance of store account -	75 00			
	disbursement for revenue boats	720 00			
	light-house disbursements for the 3d qr. of 1838, as per adjustment at Treasury, dated 12th October, 1837 - -	128 12			
	balance due the United States, consisting of bonds not due	5,089 43			
		$7,039,54			$7,039 54

COLLECTOR'S OFFICE,
District of Saint Mark's, 1st January, 1838.

AMBROSE CRANE, *Collector.*

Broome vs. United States.

S. C. 37

The United States, their general account of the customs with Ambrose Crane, collector of the district of Saint Mark's, Territory of Florida, from the 1st *day of January to the* 31st *March*, 1838.

1838.			1838.		
March 31	To amount of payments made to inspectors and measurers, as per abstract and vouchers -	$590 35	Jan. 1	By balance due the United States, as per account current of this day -	$5,089 43
	am't of salary of collector, as per account herewith - -	125 00	" 4	am't of bonds taken this day - - - - -	573 11
	am't of store acc. per voucher	75 00	Mar. 31	am't of fine collected this quarter, as per abstract -	50 00
	" " disbursements for revenue boats - - -	720 00			
	am't of commission on duties secured, as per abstract of merchandise on $573 11 a 2 per cent. - - -	11 46			
		$1,521 81			$5,712 54

COLLECTOR'S OFFICE,
Dist. of St. Mark's, 31*st March*, 1838.

AMBROSE CRANE, *Collector.*

The United States, their general account of the customs with Ambrose Crane, collector of the district of Saint Mark's, Territory of Florida, from the first day of April to the 30th day of June, 1838.

1838.			1838.		
June 30	To am't of payment to inspectors and measurers, as per abstract	$573 17	April	By am't of bonds outstanding, as per account of liquidated bonds	$8,939 52
	am't of disbursement on acc. of rev. boats, &c.	720 00	June 20	Treasury draft on receiver at Tallahassee	256 25
	" paid keeper of St. Mark's light-house, as per adjustment at the dep't of the 5th and 26th June, for 3d quarter's salary	384 37		2 Treasury notes rec'd from Trea's of U. States	128 12
	salary of collector, as per his account herewith	125 00			
	public store account, as per abstract and voucher	75 00			
	am't of commission, as per adjustment 2d June	113 00			
	2 per cent. commission on $688 79 of duties secured this quarter	13 79			
	2 per cent. commission on $1,493 17, being am't of disbursement this quarter, as per return of moneys herewith	29 86			
	balance due United States, consisting of uncancelled bonds	7,289 70			
		$9,323 89			$9,323 89

COLLECTOR'S OFFICE,
District of Saint Mark's, 1st July, 1838.

AMBROSE CRANE, *Collector.*

Broome vs. United States.

59.

The United States, their general account with Ambrose Crane, collector of the district of St. Mark's, Florida, for the quarter ending 30th September, 1838.

1838.		
Sept. 30	To amount of payment to inspectors - -	$276 00
	" salary of collector, per abstract	125 00
	" balance of store account -	75 00
	" disbursement on account of light-house, for 2d quarter of 1838, as per adjustment of 21st September - -	128 12
	Disbursement for revenue boat - -	720 00
		1,324 12
	To 2 per cent. commissions on $1,324 12, distributed this quarter - - -	26 48
	To balance due the United States, consisting of bonds - - - - -	2,411 62
		$3,762 22
1838.	Cr.	
	By balance due the United States this day, as per account rendered - - -	$3,162 20
	By amount of bonds collected - -	600 02
		$3,762 22
	Bonds uncollected, per last statement -	$8,939 52
	Add taken in 2d quarter, not before ret'd by him - - - - -	626 92
		$9,566 44
	Deduct paid in 3d quarter, $600 01.	

Balance outstanding 30th September, 1838, $8,966 43.

District of St. Mark's,
Collector's office, 1st October, 1838.

AMBROSE CRANE, *Collector.*

The United States, their general account of the customs with Ambrose Crane, collector of the customs for the district of St. Mark's, Florida, for the quarter ending 31st December, 1838.

1838.		
Dec. 31	To amount of payment to inspectors, &c., this quarter	$276 00
	" balance of public store account	75 00
	" salary of collector	125 00
	" disbursement on account of revenue boats	720 00
	" amount of bonds handed over to the district attorney	7,964 18
	" 2 per cent. commissions on $1,196 disbursed this quarter	23 92
		$9,184 10
1838.	Cr.	
Dec. 31	By balance due the United States, as per account rendered this day	$2,411 62
	" amount of bonds collected	313 46
	" this amount received from collector of New Orleans, per order October 8, 1838	6,050 00
	" balance due the collector	409 02
		$9,184 10

Collector's office,
District of St. Mark's, 1st January, 1839.
AMBROSE CRANE, *Collector.*

The United States, their general account of the customs with A. Crane, collector, district of St. Mark's, from January 1 to May 15, 1839.

1839.		
May 21	To balance due collector, 4th quarter, 1838	$409 02
	" salary of collector, from 1st January to 21st May, 1839	195 63
	" amount of public store account	92 00
	" amount of payment to inspectors	678 00
	" amount of payment on account of St. Mark's light-house	404 63
	" disbursement on account of rev. boats	1,128 00

ACCOUNT—Continued.

1839. May 21	To 2 per cent. commissions on $24 19 cash duties - - - -	0 48
	" 2 per cent. commissions on $745 86 actually disbursed - - -	14 91¾
		$2,922 67¾
1839.	Cr.	
May 21	By cash received for duties on merchandise	$24 19
	" cash received on account of marine hospital - - - -	15 15
	" balance due the collector - -	2,883 33¾
		$2,922 67¾

COLLECTOR'S OFFICE,
St. Mark's, 21st May, 1839.
A. P. W. CRANE,
Deputy collector.

Also transcript of report No. 1457, Treasury Department, first auditor's office, accompanied with "statement of differences;" which report and statement are as follows:

TREASURY DEPARTMENT,
Register's office, December 14, 1849.

Pursuant to the act of March 3d, 1797, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," I, Allen A. Hall, register of the Treasury Department, do hereby certify, that the annexed report, No. 1457, on the account of Ambrose Crane, late collector of the customs, St. Mark's, Florida, is a true copy of the original on file in this office.

ALLEN A. HALL,
Register.

Be it remembered, that Allen A. Hall, esq., who certifies the annexed transcript, is, and was at the time of doing so, register of the Treasury of the United States, and that full *full* faith and credit are due to his official attestations.

In testimony whereof, I, William M. Meredith, secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department, at the city of Washington, this fourteenth day of December, in the year of our Lord 1849.

[SEAL.]

W. M. MEREDITH,
Secretary of the Treasury.

No. 1457.

TREASURY DEPARTMENT,
First Auditor's office, 20th September, 1839.

I have examined and adjusted the accounts of Ambrose Crane, late collector of the customs for the district of Saint Mark's, in the Territory of Florida, and find that he is chargeable—

To balance of his account ending 15th May, 1839, per report No. 1316 - - - - -	$10,420 45
I also find that he is entitled to credit—	
By amount of bonds, for duties on railroad iron, cancelled by order of the Comptroller, dated 6th February, 1839, as appears from the letter of F. S. Beattie, the present collector, dated September 2d, 1839 - - - - - -	7,964 18
And that the balance due to the United States amounts in cash on hand to - - - - -	2,456 27
	$10,420 45

As will appear from the statement and letters herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER, *First Auditor.*

To JAMES N. BARKER, esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
Comptroller's office.

Admitted and certified, September 21, 1839.

J. N. BARKER,
Comptroller.

T. L. SMITH, esq.,
Register.

Report 1457. *Statement of differences.*

The balance due the late collector per his account, dated May 21, 1839, is - - - - -	$2,883 33¾
The balance due from the collector per report No. 1457, is - - - - - - -	2,456 27
Difference - - - - - -	$5,339 60¾

Which difference arises as follows:

Amount, cash received from his predecessor, J. H. Willis, per his receipt, dated October 1st, 1837, not credit the United States - - - - - -	$1,279 92
Amount, interest which accrued on T. R. Betton's bond, No. 35, extended, not credited as such in 2d quarter, 1839, but added to the principal of the bond	43 14
Amount, duties on merchandise, per abstract, 2d quarter, 1838, not credited in account current - -	688 79
Amount, J. C. Duval, inspector's compensation, 2d qr., 1838, suspended for want of proper vouchers -	273 00
Amount overpaid Robert Lloyd, measurer, for measuring 100 bushels of potatoes, having paid 75 cents per bushel instead of 45 - - - - - -	30
Amount, commission overcharged 2d quarter of 1838	5 92
Amount, error in his transferring the balance of 2d qr. to 3d qr. at $3,162 20 instead of $7,289 70 -	4,127 80
Amount improperly charged for light-house disbursements in 2d quarter, the same having been remitted to him - - - - - - -	128 12
Amount, commission improperly charged in 4th qr., 1848, having received $6,050 from collector of Mississippi, for which he is to account before receiving any further commission - - - - -	23 92
Amount, cash received from collector of Mississippi, per order of Compt'r, dated February 26, 1839, not yet credited by him - - - - -	3,000 00
Amount charged for store rent, due G. G. Holt, from 1st January to 21st May, 1839, suspended for want of receipt - - - - - -	92 00
Amount, payment to inspectors, A. P. W. Crane and Augustus Steele, from 1st January to 21st May, 1839, accounts not verified - - - - -	678 00
Amount charged for disbursement for light-house, &c., only the account of Samuel Crosby for $58 & 32, receipted, and which has not yet been stated and covered by warrant - - - - - -	404 63

REPORT—Continued.

Amount, inspector at Tampa Bay, and boat expenses, suspended for want of vouchers - - -			$564 00
Amount overcharged for collector's salary to 15th May, 1839, the day his successor took the oath of office -			10 85
Amount, commission charged in account to 15th May, 1839, not being entitled to any - - -			15 39¾
Amount brought forward - - -			$11,335 48¾
Deduct—			
For an error in crediting in 2d qr., 1838, amount of bonds outstanding $8,939 50, instead of balance due to the United States per last statement $4,190 72 - -		4,748 77	
For commission short charged in 1st qr., 1838 - -	113 95		
Ded'd by him 2d qr. to correct the error - - - - -	113 00		
		95	
For amount over debited by him for duties on salt imported in 2d qr., 1838, as per corrected abstract placed to his credit in 3d qr., 1838 - - - -		61 87	
For commission short charged in 3d qr. -		10 53	
For error in crediting in account current, amount of bonds collected, viz., in 3d qr., 1838 -	600 02		
4th qr., 1838 -	313 46		
		913 48	
For amount of warrants, No. , for light-house disbursements in 3d qr., 1838, not debited by - - - - -		256 24	
For amount paid for relief of seamen in 4th qr., 1838, not charged by him - -		4 04	
			5,995 88
			$5,339 60¾

Also transcript of letter of Ambrose Crane, dated the 26th September, 1838, directed to the Comptroller, and accompanied with statement of balance claimed by Collector, in account from April 1, 1837, to 1st October, 1838, inclusive, and of the Comptroller's response of the same, as follows:

TREASURY DEPARTMENT,
Register's office, December 14, 1849.

Pursuant to the act of March 3d, 1797, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money, I, Allen A. Hall, register of the Treasury Department, do hereby certify, that the annexed letter of Ambrose Crane, dated the 26th September, 1838, is a true copy of the original on file in this Department, and that the letter of J. N. Barker, comptroller, dated 8th October, 1838, are true transcripts from the records of the Department.

ALLEN A. HALL,
Register.

Be it remembered, that Allen A. Hall, esq., who certified the annexed transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, William M. Meredith, secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department, at the city of Washington, this 14th day of December, in the year of our Lord 1849.

W. M. MEREDITH,
Secretary of the Treasury.

(Copy.)

CUSTOM-HOUSE, ST. MARK'S, 26*th Sept.*, 1838.

J. N. BARKER, ESQ.,
Comptroller of the Treasury, Washington city.

SIR: Herewith please receive statement of the expenses and receipts of this district, during the time I have served as collector, viz., from 1st April, 1837, to 1st October, 1838; the balance due the district is much wanted by the different officers and men; you will confer a favor by directing the amount to be sent to me, or authority to draw on the collector of New York or New Orleans.

I am, very respectfully, sir, your obedient servant,

AMBROSE CRANE, *Collector.*

(Copy.)

Statement of the balance due the Custom-house, district of St. Mark's from 1st April, 1837, to 1st October, 1838, inclusive.

		Expenses.	Receipts.
1837.	2d quarter, as per account current -	$1,080 23	$391 11
	3d " " do. do. -	1,289 00	1,280 92
	4th " " do. do. -	1,950 11	19 80
1838.	1st " " do. do. -	1,521 81	1,051 82
	2d " " do. do. -	2,023 19	384 37
	3d " " do. do. -	1,818 00	637 13
	To light-house account - -	128 13	
		9,810 47	3,765 15
	Balance due this district - - -		6,045 32
			$9,810 47

TREASURY DEPARTMENT,
Comptroller's office, October 8th, 1838.

SIR: You are authorized to draw on the collector at New Orleans for six thousand and fifty dollars, to pay the expenses of your office.

Respectfully,

(Signed) J. N. BARKER,
Comptroller.

AMBROSE CRANE, esq.,
Collector, St. Mark's, Florida.

TREASURY DEPARTMENT,
Comptroller's office, October 8th, 1838.

SIR: Pay to the order of Ambrose Crane, collector of St. Mark's, Florida, six thousand and fifty dollars, to pay his expenses.

You will take duplicate receipts.

Respectfully,

(Signed) J. N. BARKER,
Comptroller.

JAMES W. BREEDLOVE, esq.,
Collector, New Orleans, La.

Also transcript of letter of Ambrose Crane, dated 12th February, 1839, and of letter of Comptroller, in response, as follows:

TREASURY DEPARTMENT,
Register's office, December 14, 1849.

Pursuant to the act of March 3d, 1797, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," I, Allen A. Hall, register of the Treasury Department, do hereby certify, that the annexed letter of Ambrose Crane, dated 12th February, 1839, is a true copy of the original on file in this Department, and that the letters of J. N. Barker, comptroller, are true transcripts from the records of the Department.

ALLEN A. HALL,
Register.

Be it remembered, that Allen A. Hall, esq., who certified the annexed transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit *and* due to his official attestations.

In testimony whereof, I, William M. Meredith, secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department, at the city of Washington, this 14th day of December, in the year of our Lord one thousand eight hundred and forty-nine.

W. M. MEREDITH,
Secretary of the Treasury.

(Copy.)

CUSTOM-HOUSE,
District of St. Mark's, 12th February, 1839.

To J. N. BARKER, esq.,
First Comptroller of the Treasury,
Washington city.

SIR: There will be required to defray the expenses of this district, and meet the demands of the current quarter, three thousand dollars; will you please give me authority to draw on the collector at New Orleans for that amount.

Very respectfully, your obedient servant,
AMBROSE CRANE, *Collector.*

TREASURY DEPARTMENT,
Comptroller's office, February 26th, 1839.

SIR: You are authorized to draw on the collector at New Orleans for three thousand dollars, to pay the expenses of your office, as desired by you—$3,000.

Respectfully,
(Signed) J. N. BARKER,
Comptroller.

AMBROSE CRANE, esq.,
Collector at St. Mark's, Florida.

TREASURY DEPARTMENT,
Comptroller's office, February 26th, 1839.

SIR: Pay to the order of Ambrose Crane, collector of St. Mark's, three thousand dollars, $3,000, to meet his expenses. You will take duplicate receipts therefor, &c.

Respectfully,

(Signed) J. N. BARKER,
Comptroller.

JAMES W. BREEDLOVE, esq.,
Collector, New Orleans, La.

Also transcript of receipt of Ambrose Crane, dated October 1, 1837, for twelve hundred and seventy-nine dollars and ninety-two cents, as follows:

TREASURY DEPARTMENT,
Register's office, December 14, 1849.

Pursuant to the act of March 3d, 1797, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public money," I, Allen A. Hall, register of the Treasury Department, do hereby certify, that the annexed receipt of Ambrose Crane, dated October 1, 1837, for twelve hundred and seventy-nine dollars and ninety-two cents, is a true copy of the original on file in this office.

ALLEN A. HALL, *Register.*

Be it remembered, that Allen A. Hall, esq., who certified the annexed transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, W. M. Meredith, secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this fourteenth day of December, in the year of our Lord 1849.

W. M. MEREDITH,
Secretary of the Treasury.

Received, Saint Mark's, 1 October, 1837, from Jesse H. Willis, esq., late collector of the district of Saint Mark's, the sum of twelve hundred and seventy-nine dollars and ninety-two cents, which he states is the balance of cash in his hands belonging to the United States.

AMBROSE CRANE,
Collector, district of Saint Mark's.

Also transcript of receipts of Ambrose Crane to James W. Breedlove and Jesse H. Willis respectively, dated 13th March, 1839, and 1st October, 1837, [9,] respectively, as follows:

TREASURY DEPARTMENT,
Register's office, June 25th, 1844.

Pursuant to the act of Congress of March 3d, 1797, entitled "an act to provide more effectually for the settlement of accounts between the United States and receivers of public money," I, Thos. L. Smith, register of the Treasury Department, do hereby certify, that the annexed receipts of A. Crane are true copies of the originals on file in said Department.

T. L. SMITH, *Register.*

Be it remembered, that Thos. L. Smith, esq., who certified the annexed transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof I, McClintock Young, secretary of the Treasury, ad interim, of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this 25th day of June, in the year of our Lord 1844.

[SEAL.]

McC. YOUNG,
Secretary of the Treasury, ad interim.

Received, New Orleans, 13th March, 1839, of James W. Breedlove, esq., collector of the customs for the district of Mississippi, the sum of three thousand dollars, as per authority of the Comptroller of the Treasury bearing date the 26th February, 1839.

AMBROSE CRANE,
$3,000. *Collector of the customs, district of St. Mark's.*

Received, St. Mark's, 1st October, 1837, from Jesse H. Willis, esq., late collector of the district of Saint Mark's, the sum of twelve hundred and seventy-nine dollars and ninety-two cents, which he states is the balance of cash in his hands belonging to the United States.

AMBROSE CRANE,
Collector, district of St. Mark's.

The plaintiff then offered the testimony of Leslie A. Thompson, a witness who was produced, and who testified as follows:

UNITED STATES
vs.
MACON's administrators.

Leslie A. Thompson, sworn for plaintiff, says, my impression is, that in 1837, the time of the transmission of the mail between Tallahassee and Washington was about eight or ten days; an individual could then have gone from here to Washington sooner than the mail, but not short

of 7 or 8 days. The usual course of the mail was eight or ten days, even now one cannot get through under about six days.

Here the plaintiffs rested their cause.

The defendants then offered in evidence the testimony of A. P. W. Crane, who was examined upon interrogatories as follows:

UNITED STATES OF AMERICA.

By his honor, I. H. Bronson, judge of the U. S. district court of the northern district of Florida, to K. M. Moore and N. P. Bemis, esquires, greeting: Whereas there is a certain controversy now depending in the court for said district, between the United States of America and Macon's administrators, and whereas Alexander P. W. Crane is a material witness in said case of controversy, and cannot attend our said court in person without manifest inconvenience:

Now know ye, that we, reposing special trust and confidence in your prudence and fidelity, have appointed you, and you or any two of you are hereby authorized and required to cause the said Alexander P. W. Crane personally to come before you, and after being duly sworn, to examine him concerning the said matter of controversy agreeably to the interrogatories hereunto annexed, and the answers to the same being plainly and distinctly written, and you are to send the same closed up under *our* hands and seals to our said court to be held on the first Monday of January next, together with this writ.

Witness the honorable Isaac H. Bronson, judge of said court, this 14th day of March, A. D. 1850, and of the independence of the United States the year

[SEAL.]

R. B. HILTON, *Clerk*.

Interrogatories to be propounded to A. P. W. Crane, a material witness for the defendant, who resides beyond the jurisdiction of this court, to wit:

UNITED STATES
vs.
ARTHUR MACON'S administrator.

Interrogatory 1. Are you acquainted with the parties to this suit?

2. Do you or do you not know Ambrose Crane, and was he or was he not collector of the customs at the port of St. Mark's, in the years 1837, 1838, and 1839?

3. Was or was not John C. Duval a deputy inspector in the year 1838; did he or not during that year visit Texas; and did you, or did any other person, discharge the duties of his office during his absence; and did he or did he not make the necessary satisfaction for such services; and did or did not Ambrose Crane pay him, the said Duval, his salary as inspector for the second, third, and fourth quarters of 1838?

4. Did or did not Ambrose Crane pay for light-house expenses, for the second quarter of 1838, the sum of one hundred and twenty-eight

dollars 12 cents; and was such amounts received by him from the United States, as collector, and not charged in his account against himself?

5. Did or did not Ambrose Crane pay the sum of ninety-two dollars to George Holt, for public store rent, from the first of January, 1839, to the 21st of May, of that year?

6. Did or did not Ambrose Crane pay the amount of four hundred and four $\frac{63}{100}$ dollars, as charged in his account, to Samuel Crosby, and for what account?

7. Did or did not Ambrose Crane pay the salaries of Augusts Steele and A. P. W. Crane, as inspectors of Tampa and St. Mark's, from the 1st of January, 1839, to the 21st of May, of that year, the sum of six hundred and seventy-eight dollars; if not, what part did he pay, and who paid the balance?

8. Did or did not Ambrose Crane pay for the boat service at Tampa bay, from the 1st of January, 1839, to the 21st of May of the same year; if not, was or was not the allowance for boat service always regarded and treated as one of the perquisites of the office of collector?

9. State any thing further that you know that will be of service to either party to this suit.

D. S. WALKER,
Attorney for defendant.

Cross interrogatories.

1st. If you answer that you discharged the duties of the office of John C. Duval, during his absence, please state whether you were at the same time inspector.

2d. What compensation did John C. Duval pay to the person who discharged his duties in his absence?

3d. Who paid John C. Duval his salary for the last three quarters of 1838, and where are his receipts; did not the Department refuse to allow the collector a credit for Duval's salary in the second quarter of 1838, and were not these facts known at the time of the payment of the salary for the third and fourth quarters?

4th. By what warrant did the collector pay $128 12 for light-house expenses in the 2d quarter of 1838; did the Government give any order upon him for the amount; had he any right, as collector, to make such payments without an order; and have not these items for light-house expenses been uniformly stricken out of his account on a settlement at Washington? State how you know the above amount was not received by Mr. Crane.

5th. Where is Mr. Holt's receipt of the $92 mentioned in the direct interrogatories?

6th. Where is Samuel Crosby's receipt for $404 63? State particularly for what purpose this money was paid him, by whose direction, and if upon an order of Government, state where that order is.

7th. Where is your receipt and A. Steele's receipt for salaries as inspectors.

8th. Where are the receipts for boat service? If you answer that such boat service is considered a perquisite of the office, state by whom it is so considered, by what law or regulation is it warranted, and if the Department at Washington does not always require a pay roll and receipts before such items are allowed, in order to prevent collectors taking credit for funds not actually paid out.

State all you know that will benefit the plaintiffs.

G. W. CALL, JR.,
U. S. attorney, northern district of Florida.

Let commission issue immediately.

G. W. CALL, JR.

(Copy.)

Deposition of Alexander P. W. Crane, produced, sworn, and examined on the 4th day of December, A. D. 1850, at the residence of the said witness, in the State of Florida, and county of Wakulla, by virtue of the annexed commission, issued out of the clerk's office of the district court of the northern district of Florida, to us directed for the examination of said witness, in a cause there depending between the United States, plaintiff, and Macon's administrator, defendant, on the part of the defendant, being duly sworn, deposeth and answereth as follows:

To the first interrogatory the witness answers: That he is acquainted with the parties in this suit.

To the second interrogatory the witness answers: That he knows Ambrose Crane; he was collector of the customs at the port of Saint Mark's from the early part of the year 1837, to the 22d May, 1839.

3d interrogatory. John C. Duval was an inspector of customs, for the port of Saint Mark's, in the year 1838, and visited Texas during that year; and in his absence, I did, in part, discharge the duties of his said office, and for duties thus performed by me he made necessary satisfaction, but he did not pay me; Ambrose Crane did fully satisfy and pay said Duval his salary for the entire year of 1838.

4th interrogatory. Ambrose Crane did, I believe, pay all expenses incurred for the light-house at St. Mark's, including the keeper's salary, up to the period of Samuel Crosby's removal; payments were frequently made by Ambrose Crane for such expenses out of his private funds, or in advance of moneys received from Government, and I do not know that the United States have subsequently reimbursed him; and to the best of my recollection, the last adjustment of Ambrose Crane's account, as collector of St. Mark's, received from the First Auditor in the year 1839, shows a balance of $243 00 due from the United States to Ambrose Crane.

5th interrogatory. George Miller, and not George Holt, was appoint-

ed temporary public storekeeper at Saint Mark's, in the early part of the year 1839, and his accounts were, I believe, paid by charging the same to Ambrose Crane's private account; there being on the 21st day of May, 1829, a balance on the books of Holt and Miller, in favor of said Crane, more than sufficient to cover the claim for storage or store rent.

6th interrogatory. Same as answer to fourth interrogatory.

7th interrogatory. Ambrose Crane did not pay the salaries of Augustus Steele or A. P. W. Crane, as inspectors at Tampa and Saint Mark's, from the first of January to the 21st May, 1839, said Steele having refused to render his accounts as such inspector for that time; I do not know that Steele has yet been paid; but I have been paid by the collector at Saint Mark's.

8th interrogatory. He did not, I believe, pay for boat service at Tampa from the first of January to 21st May, 1839; the allowance for boat service was, I believe, always regarded as a perquisite to the officer in charge of the same.

9th interrogatory. I know nothing further of interest to the party in this suit.

A. P. W. CRANE.

Sworn to and subscribed before us, the day and year above written.

K. M. MOORE,
N. P. BEMIS,
Commissioners.

(Copy.)

Answers to cross interrogatories.

1st interrogatory. I was not duly appointed inspector, nor did I receive compensation from the United States for such service rendered during Duval's term of office.

2d interrogatory. I do not know what he paid others, but I was to receive the usual pay allowed him by Government during the time of my service.

3d interrogatory. John C. Duval was paid, and his receipts were forwarded in due form to the Department at Washington; I do not know that the Government refused to allow a credit to the collector for Duval's salary for the year 1838.

4th interrogatory. I do not know by what warrant he paid any expenses of the second quarter of 1838, being absent at that time from Florida; the collector, I believe, had the right as superintendent of lights within his district to make all disbursements for light-house expenses, and such payments were generally allowed by the Department at Washington.

5th interrogatory. The receipt for public store rent was forwarded to Washington in due form.

6th interrogatory. The receipts of Samuel Crosby were forwarded to Washington city in the usual form, and the money paid him was for his salary as light-house keeper, and for extra labor round the light-

house. Such payments were fully approved by the Government at the time, to the best of my recollection.

7th interrogatory. My receipts for salary as inspector were given to the collector of Saint Mark's in duplicate; I know nothing about Steele's receipts.

8th interrogatory. The receipts for boat service were forwarded to Washington, with the exception of that for the service of Steele's boat at Tampa, from the first of January to 21 May, 1839. Boat service was considered a perquisite by all the officers of the district, from my earliest recollection to the time of Crane's leaving office; by consent of the Secretary of the Treasury, in 1830, all revenue officers in Florida were permitted to employ negroes, instead of white men, as boat hands. The Department at Washington requires vouchers, for all moneys paid out by the collectors.

9th interrogatory. I know nothing further to the interest of either party.

A. P. W. CRANE.

Sworn to and subscribed before us, the day and year above written.

K. M. MOORE,
N. P. BEMIS,
Commissioners.

Also the further testimony of A. P. W. Crane, taken by consent, as follows:

The item of four hundred and four $\frac{63}{100}$ dollars, charged in the collector's last account, has all been paid to the best recollection of witness. The two items of fifty eight dollars and thirty-two dollars were paid, and the receipts sent on with the account, which was forwarded after the fourth of July. Witness having delayed forwarding the account, anticipating the return of the collector. The balance of the item was composed in part of an account of $128 14, of David Rice, for work done on the light-house. This account was transferred by Rice to Levi Madden receipted, and was sent on by witness to Washington, in December, 1839, or January, 1840; Rice was indebted to Madden, and Madden to the collector, which was the cause of the transfer. The transfer was made by authority of witness, who acted in the absence of the collector. The remainder of the item, viz., one hundred and ninety-six $\frac{59}{100}$ dollars, was for work done principally by Crosby in whitewashing light-house, for materials furnished for light-house, and for use of a boat in transporting wood and water; these accounts were all paid through the stores of Holt and Miller and Levi Madden, by being charged to Crane's account with them; the receipts for them however were obtained by witness, and forwarded after the account had been forwarded, as was the case with David Rice's account.

Mr. Beattie did not take possession of the office until 21st of May, 1839, to the best of my recollection and belief.

ALEX. P. W. CRANE.

Sworn to and subscribed before me, this 15th January, 1851.

JAMES E. BROOME,
Judge of probates.

And here the defendant rested his defence.

And thereupon, the cause having been argued to the jury, the defendant by his counsel moved the court to instruct the jury as follows:

UNITED STATES
vs.
BROOME, adm'r of Macon.

Before Judge Bronson, January 16th, 1851.

Counsel for defendant moved the court to instruct the jury, that the contract of a surety is strictly construed both at law and in equity, and will not be extended beyond the full scope of its terms, (9 Wheaton, 680; 5 Condensed, 727;) and that as the contract of Macon was only that Crane should faithfully execute the duties of collector of the port of St. Mark's, and not that he should faithfully account for any moneys which might go into his bonds, not necessary to his faithful performance of his duties as such collector; therefore the jury must determine the fact, whether or not it was necessary to the faithful execution of these duties, for the Government to authorize Crane to draw on the collector of Mississippi for the sum of $3,000; and if the jury shall find that it was not thus necessary, then Macon's adm'r is not chargeable with that sum.

Which instruction the court refused, except so far as the same instruction is given in the general charge of the court, which follows:

2d. That the securities on Crane's bond are not responsible for the disposition which Crane made of any money which came to his possession, except such as the duties of this office required or authorized him to receive.

Which instruction the court gave, subject to the explanation given to the jury in the charge of the court.

3d. That Crane would have been guilty of no breach of official duty if he had refused to receive from Willis the sum of $\$1,279\frac{92}{100}$ referred to in the receipt offered by the plaintiff in evidence, dated 1st October, 1837, and consequently the sureties on Crane's bond are not responsible for the proper disposition of it.

(Which instruction the court refused, except so far as it is contained in the general charge of the court hereinafter set forth.)

4th. That unless the said sum of $\$1,279\frac{92}{100}$ was paid by the authority of the Government by Willis to Crane, the Treasury officers had no right to release Willis by crediting his account with so much money paid Crane.

(Which was refused, except as aforesaid.)

That the jury may presume from the fact, that the Government repeatedly advanced large sums *of* Crane without having first required him to account for, or even charge himself with, said sum of $\$1,279\frac{92}{100}$.

That the Government did not regard him at the time as chargeable with said sum in his official capacity as collector.

(Which also was refused, except as aforesaid.)

That the jury may also draw said presumption from the fact that the Government refused Crane commissions until he accounted for the $6,050 00 received of Breedlove, but did all the time allow him commissions, though he had not accounted for said sum of $1,279 $\frac{92}{100}$.

(Also refused, except as aforesaid.)

That if the jury believe from the evidence that Arthur Macon was dead before the official bond of Crane was delivered to the plaintiff, then Macon's administrator is not liable on said bond.

(Also refused, except as aforesaid.)

That it appearing from the endorsement on said bond that it was not approved at Washington till after the date, at which it is admitted that Macon died, it is incumbent on the plaintiff to prove that said bond was delivered before the death of Macon.

(Refused, except as aforesaid.)

That a delivery to the U. S. mail or other agent of plaintiff, before the death of Macon, would be a sufficient delivery to bind the administrator of Macon, but it is incumbent on the plaintiff to show that such delivery was made either to the U. S. mail or other agent before the death of Macon.

(Refused, except as aforesaid.)

That, in the absence of all proof as to the mode of delivery, the jury may as well presume that said bond was delivered by Crane or his agent to the Department at Washington, as that it was sent by mail or other agent of the plaintiff.

(Refused, except as aforesaid.)

That if the jury believe from the testimony that said bond was delivered by Crane in person or his agent after the death of Macon, then Macon's administrator is not liable, it being the duty of plaintiff to make out its case.

(Refused, except as aforesaid.)

That if the presumption raised by the evidence in the minds of the jury is as strong that said bond was delivered by Crane or his agent, after the death of Macon, as that it was delivered to the United States mail or other agent of plaintiff before Macon's death, then it being on the plaintiff to make out its case, as to delivery, the jury must find for defendant.

(Refused.)

That the receipt for $1,279 $\frac{92}{100}$, given in the 4th quarter of 1837, is not a sufficient voucher to support the item of same amount in the account of 3d quarter, 1837, of Willis' transaction.

(Refused.)

And thereupon the court gave the following instructions to the jury:

In U. S. district court.

THE UNITED STATES
vs.
MACON'S ADMINISTRATOR.

The court charged the jury, that if they were satisfied from the evidence that the bond in question was not delivered until after the 24th July, 1837, (which was the day on which Macon died,) then the defendant is entitled to a verdict; but that the time of the approval of the bond at the Treasury Department is not to be taken as the time of the delivery; on the contrary, that, although it may not have come to the hands of the officers of the Government until after the 24th July, yet if Crane, the collector, and his sureties had parted with it for the purpose of sending it, or having it sent, to Washington before that time, then the time of delivery relates back to the time when Crane and his sureties so parted with the bond to be sent to Washington, and that must be considered as the true date of the delivery; and that, therefore, in order to justify a verdict for the defendant, the jury must be satisfied from the evidence that the bond remained in the hands of Crane or the sureties until after the death of Macon.

The court further charged the jury in relation to the item of $1,279 92, received by Collector Crane from his predecessor in office, and charged by the United States' accounting officers to him, that it ought not to be stricken out of the debit side of the account, and that the defendant was not entitled to a credit for that amount in this suit; because, although it might be doubtful whether it was any part of Crane's duty, or whether he had any right or authority to receive the balance due from the old collector to the United States, yet, having received it, and the Government having adopted the act and charged the amount to him, it was of course conclusive upon him, and that his sureties could not, with any propriety, complain of the act, because it appeared from the accounts that at the time Crane received the $1,279 92 from Willis, the United States were indebted to him (Crane) in a much larger amount, and that for some time thereafter, and after debiting his account with that sum, the balance was still against the United States and in favor of Crane, as it appeared from the accounts both of Crane and the Government; and that all the defalcations of Collector Crane, for which his sureties were sought to be made liable in this suit, had occurred after that time, and upon advances made to him by the United States, and debits accruing against him long after that period, and that therefore it was immaterial in this suit whether Crane was authorized to receive that sum from Willis, or whether it was any part of his official duty to do so. That the defendant was not sought to be charged in this suit with any defalcation arising out of the receipt of that $1,279 92 by Crane, and that from the state of the accounts such would not be the effect of a recovery against defendant.

The court further charged the jury, that the items of $3,000 and $6,050, received by Crane from the collector of New Orleans, and

charged to him in the accounts of the United States, were properly chargeable to him under the proofs exhibited; that as it appeared from the evidence they were paid to him upon his representation and requisition, that they were necessary to defray the current expenses of his office, and were advanced for that purpose, and were therefore legitimate charges for which his sureties were liable.

And the defendant, by his counsel, thereupon excepted to each refusal of the court to give the several instructions prayed by him; and also excepted to each of the instructions given by the court.

And forasmuch as the matters herein set forth do not appear of record in the cause, and can only be evidenced by a bill of exceptions, the defendant now prays that this his bill of exceptions be signed and sealed by the judge of this court, and made a part of the record; which is done accordingly.

I. H. BRONSON, *Judge.* [L. S.]

STATE OF FLORIDA,
County of Leon.

I, George W. Hutchins, clerk of the district court of the United States, in and for the northern district of Florida, at Tallahassee, do hereby certify, that the foregoing pages, from 1 to 60 inclusive, contain a true and correct transcript of the record of the proceedings and judgment in the case lately pending in said court, wherein the United States of America are plaintiffs, and James E. Broome, administrator of the estate of Arthur Macon, deceased, is defendant, as fully and completely as the same appears upon the records and files of my said office.

In testimony whereof I have hereto set my hand, and affixed the [SEAL.] seal of said court, at the clerk's office aforesaid, in Tallahassee, this 25th day of November, A. D. 1851.

G. W. HUTCHINS, *Clerk.*

UNITED STATES OF AMERICA, *ss.*

The President of the United States of America, to the judge of the United States district court, for the northern district of Florida, greeting:

Because in the record and proceedings, as also in the rendition of a judgment, in a plea in the said district court, before you, between the United States, plaintiff, and James E. Broome, administrator de bonis non of Arthur Macon, deceased, defendant, a manifest error hath happened to the great damage of the said defendant, as by his complainant appears; and it being fit that the error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, that if judgment be therein given, *that* then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together